Report. As the subject-matter falls under the Concurrent List of Seventh Schedule to the Constitution of India, the Government has invited comments/views from all the State Governments and other concerned organizations on the Report of the Law Commission. The Government proposes to process the matter after receiving comments from all concerned.

Departmental enquiry in sub-judice

†3034. SHRI VIJAY SINGH YADAV: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that if any matter is sub-judice in the High Court, the departmental enquiry cannot be initiated on the same;

(b) if so, the details thereof; and

(c) the mechanism to check violation of the concerned rules/ guidelines?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (c) The issue regarding departmental inquiry on the same charge in respect of a matter which is under consideration of the High Court has been considered by the Supreme Court in the case of Kusheshwar Dubey, Appellant Vs. M/s Bharat Coking Coal Ltd., and other, (AIR 1988 Supreme Court 2118) and it was held that 'while there could be no legal bar for simultaneous proceedings being taken, yet, there may be cases where it would be appropriate to defer disciplinary proceedings awaiting disposal of the criminal case. In the latter class of cases it would be open to the delinquent-employee to seek such an order of stay or injunction from the Court. Whether in the facts and circumstances of a particular case there should or should not be such simultaneity of the proceedings would then receive judicial consideration and the Court will decide in the given circumstances of a particular case as to whether the disciplinary proceedings should be interdicted, pending

†Original notice of the question was received in Hindi.

criminal trial. As we have already stated that it is neither possible nor advisable to evolve a hard and fast, straight-jacket formula valid for all cases and of general application without regard to the particularities of the individual situation'.

In the case of Jang Bahadur Singh Vs. Baij Nath Tiwari, (AIR 1969 Supreme Court 30) it was held that the initiation and continuation of disciplinary proceedings in good faith do not obstruct or interfere with the course of justice in the pending court proceedings. The employee is free to move the court for an order restraining the continuance of the disciplinary proceedings. If he obtains a stay order, a willful violation of that order would of course amount to contempt of court. In the absence of stay order the disciplinary authority is free to exercise its lawful powers.

Electronic Identity Cards

3035. SHRI SATISH PRADHAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that Government have now decided to issue Electronic Identity Cards for voters;

(b) if so, the reasons therefore;

(c) how it will be ensured that these cards are issued to all the voters;

(d) whether it is also a fact that the issuance of present Identity Cards has not been completed and now it is stopped;

(e) the amount Government have spent for issue of Identity Cards so far; and

(f) the budget for new electronic Cards?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) The Election Commission of India has informed that it has not taken any decision to issue "Electronic Identity Cards" to voters. The Electors Photo Identity Cards being issued to electors under the instructions of the Election Commission contain the photo of the elector and particulars about